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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,832	01/30/2001	Peng Zhang	1-1-4-3	2195

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[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

2642

DATE MAILED: 10/01/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/772,832	ZHANG ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Rasha S AL-Aubaidi	2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 January 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-29 is/are rejected.
- 7) Claim(s) 12 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 March 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a)  The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ .                                   |

**DETAILED ACTION**

***Specification***

1. The disclosure is objected to because of the following informalities: on page 9 in the specification and specifically on lines 4-6 of the specification, applicant stated, "a text message could then with be send to the user and displayed on the screen of the caller, or could be sent to a test-to-speech converter, which converts the typed text to speech and conveys the speech to the caller". Test-to-speech should be changed to text-to-speech.

Appropriate correction is required.

***Claim Objections***

2. Claim 12 is objected to because of the following informalities: claim 12, the step of converting the message test to speech. This should be changed to text-to-speech.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-8, 14-24 and 26-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Bajzath et al (US PAT # 6,144,644).

Regarding claim 1, Bajzath teaches a method for providing call waiting service (see abstract) for a computer (130, Fig. 2) connected to an Internet Service Provider (ISP 115, Fig. 2) without dropping the connection with the ISP (see col.2, lines 1-3 and abstract), the method comprising: initiating an internet call waiting connection between the computer and an ISP (see col.3, lines 26-34), the internet call waiting connection traversing a switch (this basically reads on the ~~SCP~~ switch, see col.3, lines 50-58); sending the directory number (this reads on the ~~caller~~ telephone number, see col.6, lines 27-32) and a dynamic IP address of the computer (col.5, lines 8-13) to an Internet Call Waiting/Holding (ICW/H) server (215 in Fig. 2); storing the directory number and the dynamic IP address of the computer at the ICW/H server (see col.5, lines 8-13); and sending a message from the ICW/H (215) server to the switch (SCP145) indicating that the call waiting service is active (see step 640 in Fig. 6A, and col.6, lines 25-33).

Claim 14 is rejected for the same reasons as discussed above with respect to claim 1.

Regarding claims 26-27, Bajzath teaches an Internet Call Waiting/Holding (ICW/H) server (215) comprising: a packet port for receiving a directory number and a dynamic IP address of a computer (this is inherent component), the directory number

and the dynamic IP address associated with a computer for an internet call waiting connection; memory for storing the directory number and the dynamic IP address of the computer (this reads on the storage media diskette or CD-ROM, see col.4, lines 24-38); a processor (this is inherent); and a circuit port for sending a message to a switch indicating that call waiting service is active (this is inherent).

Regarding claims 2, 17 and 24, Bajzath teaches receiving an incoming call request intended for the computer at the switch while the internet call waiting connection is active; routing the incoming call request from the switch to the ICW/H server; and alerting the computer of the incoming call request without dropping the internet call waiting connection (this may read on receiving the incoming call and initiating the call waiting service. For alerting the computer this reads on the send signals see col.3, lines 49-64 and col.4, lines 22-67).

Regarding claim 3, Bajzath teaches the step of alerting the computer (130) of the incoming call request is performed by the ICW/H server via the Internet call waiting connection (see also explanation on col.5, lines 25-45).

Regarding claim 4, Bajzath teaches wherein step of alerting the computer of the incoming call comprises presenting the computer with a choice as to whether to accept the incoming call request (see col.6, lines 33-53).

Regarding claim 5, Bajzath teaches maintaining the Internet call waiting connection if the computer accepts the incoming call request (see col.6, lines 33-35).

Regarding claim 6, Bajzath teaches switching back to the Internet call waiting connection after the incoming call releases (this basically reads on the option of automatically providing the call waiting service during telephone calls, see col.6, lines 55-67).

Regarding claim 7, Bajzath teaches the step of dropping the Internet call waiting connection (this basically reads on termination the call connection, see col.8, lines 52-65).

Regarding claim 8, Bajzath teaches the method further comprising the step of rejecting the incoming call request (this basically reads on the user selecting "NO" on the screen see col.6, lines 33-53).

Regarding claim 15, Bajzath teaches the switch is effective in performing Internet call waiting registration (see col.5, lines 3-13).

Regarding claim 16, Bajzath teaches the switch is effective in completing the Internet call waiting registration based upon receipt of a confirmation from the ICW/H

server (this basically reads on the trigger in the SSP to notify the user of the incoming call and establishing the call waiting feature, see col.4, lines 52-67 and col.5, lines 13).

Regarding claim 18, Bajzath teaches the switch is effective in routing the incoming call request to the ICW/H server (215), see col.6, lines 9-50).

Claims 19-20 are rejected for the same reasons as discussed above with respect to claim 18.

Regarding claim 21, Bajzath teaches the switch is effective in releasing the connection between the computer and the incoming call (this reads on terminating the call after the call ends) and reactivating the internet call waiting connection between the computer and the ISP (this may read for example on the automatic reactivating for the call waiting service, see col.6, lines 54-67).

Regarding claim 22, Bajzath teaches the switch is effective in deactivating the Internet call waiting connection (this is inherent).

Regarding claim 23, Bajzath teaches the ICW/H (215) server is effective in receiving a message including the directory number and dynamic IP address of the computer to the ISP (115), see col.4, lines 18-38 and lines 58-64.

Claims 28-29 are rejected for the same reasons as discussed above with respect to claims 1 and 26, respectively.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 9-12 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bajzath et al.

Bajzath does not specifically teach playing pr-recorded messages in the event of rejecting the incoming call.

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However, regarding claims 9-11, Bajzath teaches if the user chooses not answering the call, SCP (145) sends a message to the user SSP requesting that the call be blocked from connecting to the end user.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a message played (pre-recorded) to the calling party indicating the rejection of the call (e.g., the calling party will not accept unknown callers or calling party will not accept calls at the moment).

Regarding claim 12, for the step of converting the message text to speech. This is obvious and well known in the art.

Regarding claim 25, the ICW/H (215) server is effective in deactivating the Internet call waiting connection (obviously the server can activate and deactivate the Internet call waiting).

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bajzath et al in view of Epler et al (US PAT # 6,026,156).

Bajzath features are discussed in the rejection of claim 1.

Bajzath does not specifically teach the step of initiating an Internet call waiting connection between the computer and an ISP comprises dialing an access code to enable the Internet call waiting service.

Regarding claim 13, Epler teaches Enhanced Call Waiting System, which can be activated by sending a signal to the public switch (typically in the form of a flash hook to acquire a second dial tone, dial a call waiting code, and then dial home telephone number), see col.6, lines 34-55.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of activating the Call Waiting service by dialing an access code as taught by Epler into the Bajzath system in order to provide the user this enhanced service at the time preferred by the user and that will distinguish Epler reference from Bajzath since the last one provide the option of activating this service automatically in one of the embodiments (see col.6, lines 54-67).

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kabeya (US PAT # 6,496,283) teaches dialing an access code in order to activate the call waiting feature.

Shtivelman et al (US PAT # 6,259,692) teaches an Internet call waiting system.

Bauer et al (US PAT # 6,169,796) teaches a call re-router routes calls through a data link when a called party is engaged in a data call. The re-routers retrieves the

called party information to determine if the called party is a subscriber to a data network such as Internet service provider (ISP).

Creamer et al (US PAT #6,381,320), teaches access to extended telephone service via the Internet.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (703) 605-5145. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Examiner  
Rasha S Al-Aubaidi  
09/16/2003

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